

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

**In Re: Methyl Tertiary Butyl Ether
("MTBE") Products Liability Litigation**

**Master File No. 1:00-1898
MDL 1358 (SAS)
M21-88**

This Document Relates To:

*City of Fresno v. Chevron U.S.A., et al.,
Case No. 04 Civ. 4973 (SAS)*

**[PROPOSED] ORDER OF DISMISSAL WITH PREJUDICE OF ALL CLAIMS
AGAINST DEFENDANT KERN OIL & REFINING CO.**

On August 16, 2012, after the conclusion of all discovery related to this matter, the Court ordered Plaintiff City of Fresno ("Plaintiff") to identify all sites at which Plaintiff intended to pursue claims at trial and the Defendants against which it would assert those claims for each site.

On October 5, 2012, pursuant to the Court's Order, Plaintiff served a revised station matrix. The Court adopted Plaintiff's revised station matrix in Case Management Order 108, limiting Plaintiff's claims at trial to the sites and Defendants listed in Section A of the matrix. All other sites were dismissed with prejudice.

On March 15, 2013, certain Defendants in this matter, including Kern Oil & Refining Co. ("Kern") filed a Motion for Summary Judgment for Lack of Evidence Pertaining to Causation.

On September 10, 2013, the Court granted the Defendants' Motion.

As a result of the Court's decision, Plaintiff has no remaining claims against Kern in this matter.

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IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that all claims of Plaintiff City of Fresno against Kern for all stations at issue are hereby DISMISSED WITH PREJUDICE.

IT IS SO ORDERED:

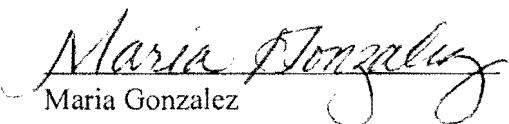
Dated: March 12, 2014



The Honorable Shira A. Scheindlin
UNITED STATES DISTRICT
JUDGE

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Defendant Kern Oil & Refining Co.'s [Proposed] Order of Dismissal with Prejudice of All Claims Against Defendant Kern Oil & Refining Co. was served upon counsel via File & ServeExpress on this 7th Day of March, 2014.


Maria Gonzalez